

REMARKS/ARGUMENTS

Favorable reconsideration of the present application is respectfully requested.

Concerning the drawing objection of paragraph 4, the specification has been amended to specifically refer to each of the figures. The appropriate headings noted in paragraph 6 have also been introduced.

Claim 18 has been amended to clarify that the agitator is located external to the analyzer. Basis for this is found in the paragraph bridging pages 7-8. The “agitating means” has also been changed to “agitator” for clarity.

Responsive to the drawing objection and the rejection under 35 U.S.C. § 112, claim 33 has been amended to recite that the first transporting means, the second transporting means and the agitating means are a single component. This is shown in Figure 10 wherein the first transporting means, the second transporting means and the agitating means are comprised by the manipulating arm 30 (page 16, lines 16-25).

Concerning the drawing objection of paragraph 4, the specification has been amended to specifically refer to each of the figures. The appropriate headings noted in paragraph 6 have also been introduced.

Claims 18, 19, 24, 25, 27, 28, 33 and 34 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. patent publication 2002/0021983 (Comte). It is respectfully submitted that the amended claims define over this reference.

The claimed invention is directed to a device for supplying whole blood analyzers with tubes of blood. It is known that whole blood must be agitated prior to analysis, to resuspend the cells which have settled out. This agitation phase is performed differently depending on the type of analyzer used and its degree of automation (page 1, lines 19-22). Therefore, conventional analyzers have incorporated the agitator into the analyzer itself.

For example, Comte et al discloses a device for sampling blood products in which tubes 18 of the blood product are transported in a cassette 12. The cassette itself is transported by transfer means 10 comprising a carriage 60 which drives the cassette along a horizontal guide rail 56 from a loading station 14. Along the route, the cassette reaches a sampling device 34 including an agitator 30 which individually agitates pairs of the tubes. Subsequently, the cassette is introduced orthogonally into the sampling device (paragraph ([0101])) in which the tubes are simultaneously pierced by needles for sampling. The cassettes are thereafter transferred further by the transfer means 10 to an unloading station 16.

Thus, the conventional device of Comte et al included an agitator integral with the operation of the analyzer, and so it was not possible to flexibly provide agitators for existing or multiple analyzers, as necessary. According to the present invention, on the other hand, tubes of whole blood are agitated outside the analyzer by an agitator 5. Subsequently, a transporting means 1 transports the tubes of blood which have been mixed by the agitator “one after another” to a sampling point of the analyzer. A manipulating means “separately” picks up the tubes and places them in the second transporting means. An example of this is the manipulator 24.

It may be appreciated that these features are not taught in Comte et al. The agitating means 30 of Comte et al is integrated with the sampling means 34, and is not external thereto. Moreover, the transporting means 10 in Comte et al transports *cassettes* and not the tubes “one after another” as is recited in the claims. Thus, the Comte et al reference neither discloses nor suggests the characteristic features of the invention as presently claimed invention.

Claims 20-23 were rejected under 35 U.S.C. § 103 as being obvious over Comte in view of U.S. patent 6,290,907 (Takahashi et al), which was cited to teach a modular analyzer system using different conveyors.

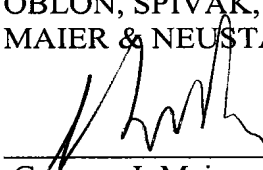
As a threshold matter it is noted the Takahashi et al has not been cited on a PTO form 892 or 1449, and so it is requested that it be so listed in a subsequent Office Action. Moreover, it is noted that Takahashi et al was cited to teach features of the dependent claims and fails to overcome the shortcomings of Comte et al with respect to Claim 12, and so it is respectfully submitted that the claims define over any combination of this prior art.

Similarly, Claims 26 and 29-31 were rejected under 35 U.S.C. § 103 as being obvious over Comte et al in view of U.S. patent publication 2001/0002985 (Kleinsasser), and Claim 32 was rejected under 35 U.S.C. § 103 as being obvious over Comte in view of Kleinsasser and U.S. patent publication 2001/0048894 (Schmidt). Here again, the further references were cited to teach features of the dependent claims and fail to overcome the shortcomings of Comte et al with respect to Claim 12 from which these claims depend. All of the claims are therefore believed to define over the cited prior art.

Applicants therefore believe that the present application is in a condition for allowance and respectfully solicit an early Notice of Allowability.

Respectfully submitted,

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